

12 DATE: June 26, 2014

13 TIME: 10:02 A.M.

14

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16 DEPOSITION of the Defendant,

17 ALI DAR, taken by the Respective Parties,

18 pursuant to a Order and to the Federal

19 Rules of Civil Procedure, held at the

20 offices of Michael T. Carr, Esq., 16 Court

21 Street, Suite 2901, Brooklyn, New York

22 11241, before Paula G. Bekker, a Notar

23 Public of the State of New York.

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2 A P P E A R A N C E S:

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4 MICHAEL T. CARR, PLLC
5 Attorney for the Plaintiff
DOSSOU GALLIE PINOVI a/k/a GALLIE DOSSOU
16 Court Street, Suite 2901
6 Brooklyn, New York 11241
BY: MICHAEL T. CARR, ESQ.

7

8

ZANE & RUDOFSKY, ESQS.
9 Attorneys for the Defendant
REYER PARKING CORP.
10 601 West 26th Street, #1315
New York, New York 10001
11 BY: DAVID SCHRAGER, ESQ.

12

13 CHAPNICK & ASSOCIATES, P.C.
14 Attorneys for the Defendants
FDD ENTERPRISES, INC. and ALI DAR
114 Old Country Road, Suite 560
15 Mineola, New York 11501
BY: ROBERT A. CHAPNICK, ESQ.

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17

ALSO PRESENT:
18 GURDEEP KESAR,
Urdu Interpreter
19 Star Interpreting

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2 F E D E R A L S T I P U L A T I O N S

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5 IT IS HEREBY STIPULATED AND AGREED by and
6 between the counsel for the respective
7 parties herein that the sealing, filing and
8 certification of the within deposition be
9 waived; that the original of the deposition
10 may be signed and sworn to by the witness
11 before anyone authorized to administer an
12 oath, with the same effect as if signed
13 before a Judge of the Court; that an
14 unsigned copy of the deposition may be used
15 with the same force and effect as if signed
16 by the witness, 30 days after service of
17 the original & 1 copy of same upon counsel
18 for the witness.

19

20 IT IS FURTHER STIPULATED AND AGREED that
21 all objections except as to form, are
22 reserved to the time of trial.

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7 A L I D A R, called as a witness, having
8 been first duly sworn, through an
9 interpreter, by a Notary Public of the
10 State of New York, was examined and
11 testified as follows:

12 EXAMINATION BY

13 MR. CARR:

14 Q. Please state your name for the
15 record.

16 A. Ali Dar.

17 Q. What is your address?

18 A. 65 Huntsbridge Road, Yonkers,
19 New York 10704.

20 Q. Good morning, Mr. Dar. My name
21 is Michael Carr. I represent the plaintiff
22 Gallie Dossou in this action.

23 A. Okay.

Q. Mr. Dar, so far, do you understand everything the interpreter is

1 A. DAR

2 saying to you?

3 A. Yes.

4 Q. Just some ground rules for the
5 deposition. I know you may understand some
6 English and you may understand my questions
7 before the translator finishes translating
8 them, but I'm going to ask you to please
9 wait until the translator is done
10 translating, and then when you answer
11 please only use the Urdu language; do not
12 use a combination of Urdu and English or
13 another language.

14 A. Okay.

15 Q. Have you ever been deposed
16 before?

17 A. No.

18 Q. I'm going to give you the
19 ground rules on the deposition further than
20 the ones I already gave you. When you
21 answer, please answer only orally to make
22 sure that the court reporter can take down
23 your answers.

24 A. Okay.

25 Q. Please don't shake your head

1 A. DAR

2 for no or nod your head for yes because
3 otherwise the reporter can't take that
4 down.

5 A. Okay.

6 Q. If you do not understand a
7 question I will repeat myself if you ask me
8 to or I will try to rephrase it to make it
9 more clear.

10 A. Okay.

11 Q. If you don't understand a
12 question, please let me know and I will try
13 to do that for you. Do you understand so
14 far?

15 A. Yes.

16 Q. Is there any reason that you
17 can't give true and accurate testimony
18 today?

19 A. No.

20 Q. Have you taken any drugs, legal
21 or illegal, in the past 48 hours?

22 A. No.

23 Q. Have you consumed any alcohol
24 in the past 24 hours?

25 A. No.

1 A. DAR

2 Q. Have you ever suffered any
3 brain injury?

4 A. No.

5 Q. Do you suffer from any other
6 disabilities?

A. No, I don't have any problem.

8 Q. Do you currently suffer from
9 any mental diseases?

10 A. No.

11 Q. Can I have your birthday.

12 A. January 3, 1973.

13 Q. Where were you born, sir?

14 A. Pakistan.

15 Q. What year did you come to the
16 United States?

17 A. 1998.

18 Q. Have you lived in the United
19 States from 1998 until present?

20 A. I go just for visit (sic).

21 Q. My question is have you

22 permanently lived in the United States from
23 1998 to today?

24 A. Yes.

25 Q. What is your relationship to

1 A. DAR

2 FDD Enterprises Incorporated?

3 A. That's my company I work with.

4 Q. When you say work with, what
5 does that mean?

6 A. I'm the owner and that's my
7 business.

8 Q. Are there any other owners
9 aside from yourself?

10 A. No.

11 Q. And it's a corporation; is that
12 correct?

13 A. Yes.

14 Q. What year was it formed?

15 A. 2010.

16 Q. Do you own any other
17 businesses?

18 A. No.

19 Q. Is FDD Enterprises Incorporated
20 your sole source of income?

21 A. Yes.

22 Q. Can you please tell me all the
23 managers that currently work for FDD
24 Enterprises?

25 A. You mean my employees?

1 A. DAR

2 Q. Yes, but my question is
3 specifically the managers.

4 A. Myself is the manager.

5 Q. So there's no other manager
6 besides Ali Dar of FDD Enterprises?

7 A. No, nobody else.

8 Q. Can you please tell me all of
9 the employees of FDD Enterprises, and I
10 want current employees.

11 A. Naveed Angum.

12 O. Next?

13 A. I do have that detail on my
14 papers if you need everybody's name here.

15 Q. I'm asking you from your memory
16 now but we can get to that later.

17 A. Giffer, G-I-F-F-E-R. I don't
18 know the spellings.

19 Q. Who else?

20 A. John.

21 Q. Last name?

22 A. I just call him John, it's on
23 the paper but I don't remember by heart.

Q. Who else?

25 A. Michael Manshe.

1 A. DAR

2 Q. Can you spell the last name?

3 A. M-A-N-S-H-E.

4 Q. Who else?

5 A. All these only.

6 Q. You work for FDD Enterprises
7 and you only have four employees, correct?

8 A. Yes.

9 Q. Does anyone else work for FDD
10 Enterprises?

11 A. Nobody else.

12 Q. How did you come to my office
13 today?

14 A. What do you mean?

15 Q. Did you come by train, did you
16 drive, did you walk?

17 A. By car.

18 Q. Did you drive yourself or did
19 you take a taxi?

20 A. My brother, he drove.

21 Q. What's your brother's name?

22 A. Zaffar.

23 Q. Last name?

24 A. Majid.

25 Q. Does he have any relationship

1 A. DAR

2 with FDD Enterprises?

3 A. No.

4 Q. Is he a manager of FDD
5 Enterprises?

6 A. No.

7 Q. Does he share any profits of
8 FDD Enterprises?

9 A. No.

10 Q. Has he invested any money in
11 FDD Enterprises?

12 A. No.

13 Q. Has he ever given instructions
14 or orders to any employees of FDD
15 Enterprises?

16 A. No.

17 Q. Has he ever in the past in any
18 way been affiliated with FDD Enterprises?

19 A. No.

20 Q. What is the primary business of
21 FDD Enterprises?

22 A. You mean for FDD?

23 Q. Yes.

24 A. Parking garage.

25 Q. So FDD Enterprises owns and

1 A. DAR

2 operates a parking garage; is that correct?

3 A. Yes.

4 Q. Do they operate and own one
5 parking garage or multiple parking garages?

6 A. Only one.

7 Q. Where is that parking garage
8 located?

9 A. 1872 East Tremont Avenue.

10 Q. What's the rest of the address,
11 please?

12 A. Bronx.

13 Q. Do any other businesses operate
14 out of 1872 East Tremont Avenue, Bronx, New
15 York?

16 A. No.

17 Q. FDD Enterprises is the only
18 business operating out of 1872 East Tremont
19 Avenue, Bronx, New York?

20 A. Yes, only parking garage.

21 Q. What are the hours for FDD
22 Enterprises?

23 A. It's 24 hour.

24 Q. 24 hours, seven days a week?

25 A. Yes, 24 hours, seven days a

1 A. DAR

2 week.

3 Q. When the garage is open which
4 is all the time, how many employees are
5 tending the garage at one time?

6 A. One works at a time.

7 Q. Just one?

8 A. Yeah, because it depends on the
9 shifts. One person at a time for eight
10 hours, one shift.

11 Q. Each employee works eight-hour
12 shifts?

13 A. Yes, eight-hour shift.

14 Q. Do you ever work a shift at the
15 parking garage?

16 A. Yes, I do, too.

17 Q. How many hours a week do you
18 work a shift at the parking garage?

19 A. I do work for eight hours and
20 in case if I'm needed more, then I do work
21 more.

22 Q. What is the most amount of
23 hours that you would work in one day, you
24 personally?

25 A. Sometimes for ten hours and if

1 A. DAR

2 I'm needed another two hours I spend there.

3 Q. So the most time you would work
4 there in one day is ten hours; is that
5 correct?

6 A. Yes, in case of emergencies
7 only.

8 Q. Is there ever a time when more
9 than one person is working at the parking
10 garage at the same time?

11 A. You mean in one shift?

12 Q. My question really is: Do
13 shifts ever overlap where there would be
14 more than one person attending the garage
15 simultaneously?

16 MR. CHAPNICK: I'll just
17 object. I'd rather you ask just one
18 question at a time.

19 MR. CARR: That was just one
20 question. Can you read it back.

21 (Whereupon, the referred to
22 question was read back by the
23 Reporter.)

24 MR. CARR: I can break that up.

25 Q. Do shifts ever overlap at the

1 A. DAR

2 parking garage?

3 A. You mean the shift overlaps?

4 Q. Yes.

5 A. Yes, the person who is doing
6 the shift and the next person comes.

7 Q. How long would two of your
8 employees be at the parking lot at the same
9 time?

10 A. Very little time because when
11 they hand over the time to the other
12 person.

13 Q. Is it possible that two of your
14 employees could be there at the same time
15 for 15 minutes?

16 A. Yes, you can say that because
17 he has to hand over the account to that
18 other person.

19 Q. What about half an hour?

20 A. No, about 15 to 20 minutes.

21 Q. How many days a week does
22 Naveed work?

23 A. Five days.

24 Q. How many hours a week does
25 Naveed work?

1 A. DAR

2 A. He does eight-hour shift every
3 day.

4 Q. So he works 40 hours a week?

5 A. Yes.

6 Q. Does he get a lunch break?

7 A. Yes, if there is no parking he
8 gets his lunch break.

9 Q. Does he have a set lunch break,
10 so if he has an eight-hour shift, is there
11 a specific time he takes his lunch?

12 A. It depends, like if nobody is
13 there he takes half an hour break and he
14 eats his lunch.

15 Q. What happens if a car pulls
16 into the garage during his lunch break?

17 A. My parking lot is not very busy
18 so in case if he's eating lunch and then
19 still they can attend him.

20 Q. I'm going to ask you to repeat
21 that answer because it doesn't make much
22 sense.

23 A. When he 's eating lunch and in
24 case any car comes , and then they can still
25 park their car because they are all

1 A. DAR

2 familiar with my parking lot.

3 Q. So you're saying that if he's
4 eating lunch someone parks their own car by
5 themselves if they want to pull in?

6 A. Sometimes they just park it
7 there, right there and once he finishes
8 lunch he parks inside, when he gets time he
9 parks inside.

10 Q. When someone pulls into the
11 garage, are they handed a claim ticket or a
12 claim check?

13 A. Yes, every day. Those cars are
14 regular every day, they get ticket.

15 MR. CARR: Can you read me the
16 answer back.

17 (Whereupon, the referred to
18 answer was read back by the
19 Reporter.)

20 Q. I'm going to ask you the
21 question again because you're not making
22 sense.

23 MR. CHAPNICK: If you want to
24 ask the question, ask the question,
25 but you don't characterize it that it

1 A. DAR

2 doesn't make any sense.

3 MR. CARR: I want him to know

4 that his answer is --

5 MR. CHAPNICK: If you want to

6 ask the question again, ask the

7 question again.

8 Q. When a car pulls into the
9 garage is the driver handed a claim check
10 or a claim ticket?

11 A. Yes, I give it to the driver,
12 claim check and claim ticket.

13 Q. When you say you, do you mean
14 whoever is attending the parking garage?

15 A. Yeah, whoever is working there.

16 Q. So if someone is on their lunch
17 break, when a car pulls, in who hands them
18 their claim ticket and claim check?

19 A. Because we know all the people,
20 and in case when they come and somebody is
21 eating lunch they just wait five, ten
22 minutes.

23 Q. You're saying that all your
24 customers are monthly customers, repeat
25 customers?

1 A. DAR

2 A. Mostly they are all routine
3 customers but sometimes a new comes.

4 Q. So if a new customer comes to
5 the garage who has never parked in the
6 garage before and the attendant took his
7 lunch break five minutes before that person
8 got there, who hands them their claim
9 ticket?

10 A. He will. Who is ever eating
11 lunch, he will give the ticket right away
12 but they can park later on inside.

13 Q. What do you mean by they can
14 park later on inside?

15 A. That means that he will park
16 the car on the proper parking lot, whatever
17 space is there so he will leave his lunch
18 and give him the claim ticket right away.

19 Q. Do all your employees eat their
20 lunch on the premises at 1872 East Tremont
21 Avenue, Bronx, New York?

22 A. Yes, everybody does there.

Q. Are they required to eat their
lunch on the premises?

25 A. That depends on them, whatever

1 A. DAR

2 they want.

3 Q. So is there a time when an
4 employee is working and they can leave to
5 take a half an hour lunch and the garage is
6 unattended?

7 A. It never happened like that,
8 nobody ever leaves the parking garage.

9 Q. So does every employee either
10 bring their lunch or get their lunch
11 delivered to the premises?

12 A. Yes, some, they bring their own
13 lunch and some, they get it delivered.

14 Q. So you're telling me since the
15 garage has been open no one has ever left
16 to get lunch?

17 A. Nobody goes out.

18 Q. Are they allowed to leave to
19 get lunch?

20 A. They never leave the garage
21 unattended. In case I'm there they can go.

22 Q. That wasn't my question, sir.

23 My question was: Are your employees allowed
24 to leave the garage to go get lunch?

25 A. No, they cannot, they are not

1 A. DAR

2 allowed.

3 Q. How many hours a week does

4 Giffer work?

5 A. Five days.

6 Q. How many hours a week does

7 Giffer work?

8 A. 40 hours.

9 Q. How many hours a week does John
10 work?

11 A. 40 hours.

12 Q. How many hours a week does
13 Michael work?

14 A. 40 hours.

15 Q. How many hours a week do you
16 typically work at the garage?

17 A. I do eight hours, too.

18 Q. How many hours a week do you
19 typically work at the garage?

20 A. Normally I work for 40 hours
21 but sometimes if I'm needed I work more.

22 Q. What is the most amount of
23 hours that you have ever worked at the
24 garage in a single week?

25 A. You can say 50 hours.

1 A. DAR

2 Q. Does anyone else work at the
3 garage besides Naveed, Giffer, John,
4 Michael and yourself?

5 A. No.

6 Q. How are your employees paid,
7 and when I ask that question I mean by
8 check, cash, money order, direct deposit?

9 A. I give them cash.

10 Q. Are your employees paid by the
11 hours they work or do they have a set wage
12 per week?

13 A. Like in the beginning I give
14 them 350 for the week and then slowly I
15 increase to 375.

16 Q. So if Naveed only works four
17 days in a week, does he still receive his
18 weekly wage or do you deduct money for the
19 day he didn't work?

20 A. I have return all the details.
21 I don't remember by heart but I do deduct

22 Q. How much money per week is
23 Naveed currently earning?

24 A. You mean nowadays?

25 Q. Yes.

1 A. DAR

2 A. If he works for 40 hours he
3 will get \$350.

4 Q. So if he misses one day this
5 week and only works 32 hours how much will
6 he be paid?

7 A. I deduct like an hour \$8.40,
8 it's written on the paper all the details
9 and I deduct that.

10 Q. So Naveed is earning \$8.40 an
11 hour, is that fair to say?

12 A. Yes, \$8.00 and few cents, I
13 don't remember but it's written there.

14 Q. So is it fair to say he's paid
15 hourly, not weekly?

16 A. Yes, but mostly all the men
17 working there 40 hours but in case of
18 emergency they work less I deduct hours.

19 Q. How much taxes are deducted
20 from Naveed's pay?

21 A. I give them cash.

22 Q. So you don't withhold taxes?

23 A. No, I give them cash only.

24 Q. Do you withhold any federal
25 taxes?

1 A. DAR

2 A. No.

3 Q. Do you withhold any state
4 taxes?

5 A. No, I don't deduct from them.

6 Q. And when I'm asking you these
7 questions, the last two answers apply for
8 all of your employees or just Naveed you
9 don't deduct taxes?

10 A. No, I don't withheld anybody's
11 taxes.

12 Q. Do you withhold any Social
13 Security?

14 A. No.

15 Q. To be clear Naveed, Giffer,
16 John and Michael are employees of FDD
17 Enterprises, correct?

18 A. Yes.

19 Q. They're not independent
20 contractors, are they?

21 A. Yes, they're my employees.

22 Q. When did FDD Enterprises begin
23 operating the parking garage at 1872 East
24 Tremont Avenue, Bronx, New York?

25 A. I bought it in 2010.

1 A. DAR

2 Q. When you say you bought it,
3 what did you buy, what is it?

4 A. I bought it from Reyer Parking.

5 Q. When you say bought I'm asking
6 what did you buy?

7 A. What do you mean? I don't
8 understand.

9 Q. When you say I bought it you're
10 using a pronoun. What is it? You bought
11 the building, you bought the business?
12 What is it?

13 A. I got it from the lease.

14 Q. So you didn't buy anything just
15 to be clear, you're leasing something?

16 A. No, I didn't buy it, I leased
17 it.

18 Q. Who is your lease with?

19 A. Reyer Parking.

20 Q. So FDD Enterprises has a lease
21 from Reyer Parking?

22 A. Yes.

23 Q. Is it a written lease?

24 A. Yes.

25 Q. Do you have a copy of the

1 A. DAR

2 lease?

3 A. Maybe I have it but maybe my
4 attorney has it, too.

5 Q. When you say attorney which
6 attorney?

7 A. It's maybe in my office. If
8 you need I can give it to you.

9 Q. That wasn't my question. You
10 said either you may have it or your
11 attorney may have it. I want the name of
12 that attorney.

13 A. It's with me.

14 Q. No, no, sir. When you said
15 your attorney may have it, whether or not
16 he has the lease now I want to know which
17 attorney you're referring to, I want a name
18 now.

19 A. I leased that parking lot from
20 the owner of the Reyer company.

21 Q. Sir, I'm just going to keep
22 asking you again. You mentioned an
23 attorney; I want an attorney's name now.

24 A. I don't have any other attorney
25 than this so I was talking about him, maybe

1 A. DAR

2 he has it (indicating).

3 Q. That was easy.

4 A. Because I didn't understand.

5 Q. No problem. So it's possible,
6 unless you're changing your story which is
7 fine, that either you have your lease or
8 Mr. Chapnick might have your lease; is that
9 what you meant before?

10 A. Yes, that's what I said.

11 Q. I was unclear because you were
12 using a pronoun. I'm sorry.

13 A. Because I didn't understand
14 either.

15 Q. So let's get back to this lease
16 now. It's a written lease you said,
17 correct?

18 A. Yes.

19 Q. And who are the parties to that
20 lease?

21 A. Only on my name.

22 Q. So you're one party to the
23 lease but someone has to give the lease.

24 A. I got it from Gerald, that's
25 the name of the person I got it from.

1 A. DAR

2 Q. Just to be clear you're saying
3 Gerald Lieblich, L-I-E-B-L-I-C-H?

4 A. Yes.

5 Q. The man who was a party to this
6 lawsuit at one time, right?

7 A. I didn't understand.

8 Q. Mr. Lieblich was named in this
9 lawsuit; you understand that, correct?

10 A. Yes, it's written there.

11 Q. When you say Mr. Lieblich gave
12 you the lease, was it Mr. Lieblich or did
13 Mr. Lieblich give you the lease as Reyer
14 Parking? Do you know who the party was to
15 the lease?

16 A. Because he's the owner of Reyer
17 Parking, Mr. Lieblich.

18 Q. My question is: Did
19 Mr. Lieblich sign the lease in his personal
20 capacity or did he sign it as the owner of
21 Reyer Parking?

22 A. Yes, as an owner of the garage.

23 Q. When you signed the lease, did
24 you sign it in your personal capacity or as
25 the owner of FDD Enterprises?

1 A. DAR

2 A. FDD's owner.

3 MR. CARR: I'm going to call
4 for production of a copy of the lease
5 that Mr. Dar just referenced.

6 MR. CHAPNICK: I do not have
7 this written lease; this is the first
8 I've heard of it so I'll get it to
9 you at some future date if it exists.

10 MR. CARR: Well, he's saying it
11 does.

12 MR. CHAPNICK: Okay, and if I
13 can get my hands on it I will produce
14 it.

15 Q. So Mr. Dar, the lease that you
16 signed with Reyer Parking, what was the
17 lease for; are you leasing a business, are
18 you leasing the property at 1872 East
19 Tremont Avenue or is it a combination?

20 A. The lease was for the business
21 only.

22 Q. When you say the business only
23 you're saying you're not leasing the
24 property 1872 East Tremont Avenue?

25 A. That's the property, I'm paying

1 A. DAR

2 the rent for that property.

3 Q. My question is: Are you leasing
4 the property known as 1872 East Tremont
5 Avenue?

6 A. Yes, that is the thing I leased
7 because the parking is there.

8 Q. When you say you're leasing the
9 business what business are you leasing?

10 A. That the property that is -- I
11 lease the property and I'm paying the rent
12 for that and that's where I'm doing
13 business for the parking.

14 Q. Do you remember what year the
15 lease was signed with Reyer Parking?

16 A. In 2010.

17 Q. Do you remember what month it
18 was signed?

19 A. I don't remember exactly.

20 Q. Do you remember the terms of
21 the lease, do you remember what year the
22 lease expires?

23 A. I don't remember by heart but
24 it's written there.

25 Q. Do you remember if the lease is

1 A. DAR

2 for more than ten years?

3 A. It's less than that.

4 Q. Do you remember if the lease
5 was for more than five years?

6 A. I'm not sure, either five years
7 or seven years.

8 Q. So the lease is between five
9 and seven years in length?

10 A. I think so but I'm not sure.

11 Q. I understand. What's the
12 monthly rent on the lease?

13 A. 15,000.

14 Q. 15,000 a month?

15 A. Yes.

16 Q. Not 15,000 a year?

17 A. Yes, monthly 15.

18 Q. How do you pay your rent at the
19 parking garage?

20 A. You mean how I pay?

21 Q. Yes.

22 A. I give cash.

23 Q. Who do you give cash to?

24 A. The owner.

25 Q. You pay cash to Gerald

1 A. DAR

2 Lieblich; is that what you're saying?

3 A. Yes.

4 Q. Does he come to pick it up or
5 do you deliver it?

6 A. Mostly I go to his office and
7 pay it.

8 Q. When is your rent due?

9 A. Every first, and I can pay
10 within four, five days.

11 Q. You said you generally go to
12 his office and drop it off, correct?

13 A. Yes.

14 Q. Where is Mr. Lieblich's office
15 where you drop the rent off?

16 A. In Manhattan, 56 Broadway.

17 Q. Do you mean 56th Street and
18 Broadway or the number 56 Broadway?

19 A. 56 is the number of the
20 building and it's on the corner of Broadway
21 between Seventh Avenue. I'm not sure about
22 the Avenue but all I know is Broadway.

23 Q. I don't need the exact address,
24 I'm just a little confused because I don't
25 know if those streets intersect or not but

1 A. DAR

2 is it in midtown?

3 A. It's downtown -- everything is
4 written on these papers.

5 Q. So you have the address on some
6 of the paperwork you brought with you
7 today? Don't look at the paperwork, I just
8 want to know is the address in there?

9 A. I don't think it's in there.

10 Q. So is the address --

11 MR. CHAPNICK: I believe he
12 answered the question. I believe he
13 gave you the address. We can read it
14 back.

15 MR. CARR: Sure, let's read it
16 back.

17 (Whereupon, the referred to
18 testimony was read back by the
19 Reporter.)

20 MR. CHAPNICK: The intersection
21 aside, he told you the number of the
22 building is 56 Broadway.

23 Q. The number of the building,
24 you're saying it's 56 Broadway, New York,
25 New York?

1 A. DAR

2 A. On 56th Street and Broadway but
3 I don't know which is the avenue behind, I
4 don't know.

5 Q. I just want to know is it in
6 the area of 56th and Broadway?

7 A. Because I'm mixing up, I'm not
8 sure if this is midtown or downtown.

9 Q. So 56th and Broadway around?

10 A. Yes.

11 Q. That's perfectly fine. Who
12 drafted the lease for 1872 East Tremont
13 Avenue?

14 A. It was drafted by him and I
15 read it. I don't know if he wrote himself
16 or he got it written by his attorney, I
17 don't know.

18 Q. Mr. Dar, just to be clear, when
19 you say him do you mean Gerald Lieblich?

20 A. Yeah, that's what I'm saying,
21 that if he himself is written or he got it
22 written by somebody. I don't know about
23 that.

24 Q. But I'm going to ask you when
25 we're speaking, if you cannot use pronouns

1 A. DAR
2 like him and her and use the specific name
3 of the person you're referring to if you
4 know it.

5 A. Because I'm not sure -- I
6 cannot say the name because I don't know
7 who drafted it.

8 Q. But you said you're not sure if
9 he drafted it or his attorney. When you
10 say he or his attorney do you mean you're
11 not sure if Gerald Lieblich drafted it or
12 if Gerald Lieblich had his attorney draft
13 it?

14 A. I'm sorry.

15 Q. Okay, but I need a clear
16 transcript so I'm going to ask it again. I
17 need a yes or no answer.

18 A. I don't know about that, who
19 drafted it.

20 Q. Again, when you said before
21 you're not sure if he drafted it or if he
22 had his attorney draft it, were you
23 referring to you don't know if Gerald
24 Lieblich drafted the lease or you don't
25 know if Gerald Lieblich had his attorney

1 A. DAR

2 draft the lease?

3 A. I don't know about that.

4 Q. Who did you negotiate the terms
5 of the lease with?

6 A. With Gerald.

7 Q. Gerald Lieblich?

8 A. Yes.

9 Q. And at some point in time
10 Mr. Lieblich presented you with the
11 proposed lease; is that correct?

12 A. Yes.

13 Q. When you signed the lease, did
14 he mail it to you or did you go to his
15 office to sign it?

16 A. I went personally to get it.

17 Q. And you signed it when you went
18 personally?

19 A. Yes.

20 Q. Did you sign it in front of
21 Mr. Lieblich?

22 A. Yes.

23 Q. Did Mr. Lieblich sign the lease
24 in front of you?

25 A. Yes.

1 A. DAR

2 Q. Did you sign any other
3 paperwork that day aside from the lease?

4 A. No.

5 Q. Do you have any other written
6 agreements with Reyer Parking or
7 Mr. Lieblich aside from the lease?

8 A. No.

9 Q. Does your rent stay the same
10 throughout the entire term of the lease or
11 does it gradually increase or decrease?

12 A. Same, 15.

13 Q. \$15,000?

14 A. Yes, same 15.

15 Q. How did you meet Mr. Lieblich?

16 A. Through my brother, he knew
17 him.

18 Q. Do you know how your brother
19 knows Mr. Lieblich?

20 A. I think he was working with
21 him.

22 Q. When you say your brother
23 you're referring to Zaffar?

24 A. Yes.

25 Q. When did you first meet the

1 A. DAR

2 plaintiff in this action, Mr. Dossou?

3 A. In 2012, at that time I met

4 him.

5 Q. Do you remember what month?

6 A. I think in October 2012 he

7 started working with me because he was

looking for a job.

9 O. How did you meet Mr. Dossoou.

10 did someone introduce you?

11 A. He was coming and sitting there

12 and he was -- he told me he's looking for a

13 job.

14 O. Did you interview Mr. Dosso?

A. Yes, when I came to know that

16 he needs a job, then I kept him.

17 Q. My question was: Did you

18 interview Mr. Dossou?

19 A. No, I didn't even interview

20 him.

Q. Did you have him fill out an

22 application for employment with your job?

23 A. Yes, at the time of the job he

24 filled an application.

25 O. Did he fill the application out

1 A. DAR

2 before or after he was hired?

3 A. After I hired him I gave him
4 the application to fill.

5 Q. How soon after he was hired did
6 you give him the application to fill out?

7 A. I think the next day I gave it
8 to him and I told him fill it out and give
9 it to me back.

10 Q. When you communicated with
11 Mr. Dossou, what language did you speak to
12 him in?

13 A. In English, little bit I was
14 speaking and he was speaking.

15 Q. So you do speak some English,
16 correct?

17 A. Yes, it's up to yes, no, I can
18 do it. As much he speaks, that much I
19 speak.

20 Q. So you can speak English as
21 well as Mr. Dossou; is that what you're
22 saying?

23 A. Not that much but I know that I
24 can communicate with him.

25 Q. Do you read English at all?

1 A. DAR

2 A. Little bit. If it is easy
3 words I can understand, I can read.

4 Q. Do you write any English?

5 A. Yes, name, address I can write.

6 Q. Going back to the lease that
7 you signed with Mr. Lieblich, did you have
8 an attorney representing you in negotiating
9 that lease?

10 A. No, my brother was with me.

11 Q. Did your brother help to
12 negotiate the lease with Mr. Lieblich?

13 A. Yes, he made me understand
14 everything what was written on the lease.

15 Q. Does your brother speak
16 English?

17 A. Yes.

18 Q. Fluently?

19 A. He can speak, he can
20 communicate in English.

21 Q. Does your brother write and
22 read English?

23 A. Yes, he can write and read.

24 Q. The lease that you signed with
25 Mr. Lieblich, did your brother translate it

1 A. DAR

2 for you into Urdu?

3 A. Yes, he told me whatever was
4 written there.

5 Q. How many pages was the lease if
6 you remember that you signed with
7 Mr. Lieblich?

8 A. Maybe four or five but I don't
9 remember exactly.

10 Q. Do you remember if it was eight
11 by eleven paper or legal size?

12 A. I don't remember exactly but my
13 brother, he read everything and he told me
14 what was written there.

15 Q. If you remember, did you have
16 to initial each page or did you just sign
17 the last page?

18 A. I just signed the last page of
19 the lease.

20 Q. Going back to Mr. Dossou, you
21 said you first met him in about October of
22 2012; is that correct?

23 A. Yes.

24 Q. And at some point in time you
25 hired him to work for FDD; is that correct?

1 A. DAR

2 A. Yes.

3 Q. Do you remember when Mr. Dossou
4 began working for FDD?

5 A. In October 2012.

6 Q. What were Mr. Dossou's hours
7 when he started working with you?

8 A. Eight hours.

9 Q. Eight hours a day?

10 A. Yes, eight hours a day.

11 Q. How many days a week?

12 A. Five days.

13 Q. Did Mr. Dossou ever work
14 overtime?

15 A. He never worked overtime.

16 Q. Was Mr. Dossou given a lunch
17 break?

18 A. Yes.

19 Q. How long was his lunch break?

20 A. Half an hour.

21 Q. Half an hour every day?

22 A. Yes.

23 Q. Did he have any other breaks
24 during the day?

25 A. No.

1 A. DAR

2 Q. Was he paid for his lunch break
3 or did you deduct time out of his pay for
4 his lunch break?

5 A. No, I was not deducting, I was
6 paying.

7 Q. Was he allowed to leave the
8 premises for lunch?

9 A. No, he was not allowed.

10 Q. If Mr. Dossou was on his lunch
11 break and a car pulled into the garage, at
12 that time was Mr. Dossou to stop eating
13 lunch and attend to the person parking
14 their car?

15 A. It never happened in front of
16 me but in case he's eating lunch he can
17 finish his lunch and then he can park the
18 car.

19 Q. If Mr. Dossou was on his lunch
20 break and a car pulled into the parking
21 garage would he have to give them a claim
22 ticket or a claim check?

23 A. Yes, he can give the claim
24 check right away but he can park it later.

Q. If you remember, how much pay

1 A. DAR

2 did Mr. Dossou receive per hour when he
3 worked for FDD?

4 A. In the beginning he was getting
5 \$8.40 per hour and by the time he quit his
6 job he was getting about \$9.00 an hour.

7 Q. When did Mr. Dossou quit his
8 job?

9 A. In March 2013.

10 Q. What did he say to you when he
11 quit?

12 A. He didn't quit his job, I fired
13 him.

14 Q. You just said before when he
15 quit his job, so now you're saying he did
16 not quit, he was fired?

17 A. Yes.

18 Q. Who was responsible for keeping
19 track of the hours that Mr. Dossou worked?

20 A. I was.

21 Q. How did you keep track of Mr.
22 Dossou's hours?

23 A. There is a sheet.

24 Q. There's a timesheet?

25 A. Timesheet.

1 A. DAR

2 Q. Was the timesheet for Mr.
3 Dossou filled out at the beginning of the
4 week before Mr. Dossou began working or
5 after the week was over?

6 A. Once the week is over, as many
7 hours as he has worked we put it on that
8 timesheet.

9 Q. When Mr. Dossou was paid his
10 wages was he given a copy of the timesheet
11 to review?

12 A. Because he's aware that as many
13 hours he has worked for the whole week.

14 Q. That wasn't my question, sir.
15 My question was: When Mr. Dossou was paid
16 was he allowed to review his timesheet for
17 the week?

18 A. Yes, he was allowed to see.

19 Q. Was he given a copy of the
20 timesheet at the end of the week for him to
21 keep?

22 A. He was allowed to see it but he
23 was not getting anything, he never asked
24 for it.

25 Q. Where were the time sheets for

1 A. DAR

2 Mr. Dossou stored?

3 A. With me.

4 Q. With you on the premises of the
5 parking garage or at a different location?

6 A. They're with me, not over
7 there, not on the premises.

8 Q. So where were they kept with
9 you specifically?

10 A. At my house.

11 Q. So when Mr. Dossou was allowed
12 to review his timesheet at the end of the
13 week did he visit you at home to review the
14 timesheet?

15 A. I can bring it to the garage.

16 Q. So each week when you paid Mr.
17 Dossou you brought his timesheet with you?

18 A. Yes, in case if he wants to
19 review it I will bring it but if he was
20 aware how many hours he worked for the
21 week.

22 Q. That wasn't my question. When
23 you paid Mr. Dossou each week, was it your
24 habit to bring the timesheet with you so
25 Mr. Dossou could review it?

1 A. DAR

2 A. There was no restriction to
3 review the timesheet but in case if he
4 wants to see it he can see it but I was
5 just paying him.

6 Q. Is it your testimony that you
7 would only bring the timesheet for
8 Mr. Dossou to review if he asked for it;
9 otherwise you would not bring the timesheet
10 for Mr. Dossou to review?

11 A. Yes, in case if he wants to see
12 it he can see.

13 Q. You're not answering my
14 question, it's a very specific question.
15 When you paid Mr. Dossou did you bring a
16 copy of his timesheet or the original of
17 his timesheet for him to review on the day
18 that you paid him or did it stay at your
19 house?

20 MR. CHAPNICK: Stop asking the
21 question is it this or is it this,
22 because --

23 MR. CARR: Well, I've tried to
24 do it directly so I'm trying to limit
25 it --

1 A. DAR

2 MR. CHAPNICK: Stop asking the
3 "or," just ask him did you bring it
4 with you when you paid him.

5 MR. CARR: I've asked him that
6 several times. We'll try it again.

7 Q. When you paid Mr. Dossou did
8 you bring a copy of his timesheet for him
9 to review?

10 A. No.

11 Q. Who filled out Mr. Dossou's
12 time sheets?

13 A. I did.

14 Q. Did anyone else ever fill out
15 Mr. Dossou's timesheet?

16 A. No.

17 Q. Have you kept time sheets for
18 all of your employees since FDD Enterprises
19 opened until present?

20 A. Yes.

21 Q. Do you keep a timesheet for
22 yourself for the hours you have worked?

23 A. Yes, mine is there, too.

24 Q. Talking about Mr. Dossou
25 specifically, did you ever deduct any taxes

1 A. DAR

2 from Mr. Dossou's pay?

3 A. No.

4 Q. Did you ever deduct any federal
5 taxes from Mr. Dossou's pay?

6 A. No.

7 Q. Did you ever deduct any state
8 taxes from Mr. Dossou's pay?

9 A. No.

10 Q. Did you ever deduct any city
11 taxes from Mr. Dossou's pay?

12 A. No.

13 Q. Did you ever deduct Social
14 Security from Mr. Dossou's pay?

15 A. No.

16 Q. Have you ever paid any taxes to
17 The City, federal government or state
18 government as part of your employer portion
19 of taxes?

20 A. Yes.

21 Q. Do you have records of the
22 taxes that you've paid on behalf of Mr.
23 Dossou's pay as part of your employer
24 taxes?

25 A. I was not paying for Mr.

1 A. DAR

2 Dossou's taxes.

3 Q. That wasn't my question. Did
4 you ever pay any taxes to the state, to The
5 City or to the federal government on Mr.
6 Dossou's pay?

7 A. No.

8 Q. Wait for the translator to
9 finish translating, okay?

10 A. Okay.

11 MR. CARR: I'd like to have
12 this marked, please.

13 (Whereupon, the aforementioned
14 document was marked as Plaintiff's
15 Exhibit A for identification as of
16 this date by the Reporter.)

17 Q. Mr. Dar, I'm going to show you
18 a document. Have you ever seen this
19 document before?

20 A. Yes.

21 Q. Can you please identify the
22 document for me?

23 A. It's a timesheet.

24 Q. Can you tell me who created the
25 timesheet?

1 A. DAR

2 A. I did, I made it.

3 Q. Can you tell me approximately
4 when this document was created?

5 A. This was written in October
6 '12.

7 Q. This document was created on
8 October 12, 2012?

9 A. October 2012.

10 Q. Can you be more specific?

11 Besides October 2012, do you remember the
12 exact date this was created? You can refer
13 to the document if you like.

14 A. October 13, 2012.

15 Q. It was created on October 13,
16 2012?

17 A. Yes.

18 Q. So this was created at the
19 beginning of the week?

20 A. This is long time now, I don't
21 remember that detail.

22 Q. Do you see at the top where it
23 says "week start, week end"?

24 A. Yes.

25 Q. Is it fair to say that this

1 A. DAR

2 document was created after October 13,
3 2012?

4 A. It's after 13, yes.

5 Q. Is it fair to say the document
6 was created after October 19, 2012?

7 A. I don't remember. It was
8 within a week but I don't remember the
9 exact date.

10 Q. Is it possible this document
11 was created after November 1, 2012?

12 A. No.

13 Q. Is it fair to say this document
14 reflects the hours worked by Mr. Dossou
15 from October 13, 2012 to October 19, 2012?

16 A. Yes.

17 Q. Mr. Dossou's last day of work
18 this week was on a Friday; is that correct?

19 A. Yes.

20 Q. Was this document created after
21 that Friday in the week which this
22 reflects?

23 A. I really don't remember which
24 day.

25 Q. The question I'm trying to get

1 A. DAR

2 at is: Is it possible that this document
3 could have been created before Mr. Dossou
4 worked the hours reflected on this sheet?

5 A. No, once he finishes his hours,
6 then it's written.

7 Q. So this reflects that Mr.
8 Dossou's rate of pay was \$8.75 an hour,
9 correct?

10 A. Yes.

11 Q. And he worked 32 hours that
12 week, correct?

13 A. Yes.

14 Q. Did you keep track of the time
15 that Mr. Dossou took his lunch breaks this
16 week?

17 A. No, I don't know the timing.

18 Q. Is this the only document which
19 reflects Mr. Dossou's time worked from
20 October 13, 2012 to October 19, 2012?

21 A. This is the only one.

22 Q. Did you keep any other time
23 records for Mr. Dossou other than these
24 weekly time logs?

25 A. No.

1 A. DAR

2 Q. Was this timesheet kept
3 contemporaneously with Mr. Dossou's hours
4 worked at the parking garage?

5 A. Yes, it is.

6 MR. CHAPNICK: Off the record.

7 (Whereupon, an off the record
8 discussion was held at this time.)

9 MR. CARR: Can we just
10 stipulate that the numbers were not
11 there when he provided the documents?

12 MR. CHAPNICK: Sure, I'll
13 stipulate that I'm adding numbers to
14 the bottom of the pages.

15 MR. CARR: Let's mark this.

16 (Whereupon, the aforementioned
17 document packet was marked as
18 Plaintiff's Exhibit B for
19 identification as of this date by the
20 Reporter.)

21 MR. CARR: Any objections?

22 MR. CHAPNICK: No objection,
23 and again I'll stipulate for the
24 record that I added page numbers to
25 the document now marked as

1 A. DAR

2 Plaintiff's Exhibit B.

3 Q. Mr. Dar, I'm going to show you
4 what's been marked as Plaintiff's Exhibit
5 B. Please take your time to flip through
6 all of the pages; take as much time as you
7 need.

8 A. Okay.

9 Q. Have you seen these documents
10 before?

11 A. Yes.

12 Q. Can you identify the documents
13 for me?

14 A. Yes.

15 Q. What are the documents?

16 A. Time sheets.

17 Q. For who?

18 A. For Dossou.

19 Q. The plaintiff in this action?

20 A. Yes.

21 Q. Who created those documents?

22 A. I did.

23 Q. Did anyone else alter or edit
24 those documents in any way aside from you
25 and aside from Mr. Chapnick adding the page

1 A. DAR

2 numbers?

3 A. No, whatever is there.

4 Q. These time sheets, were they
5 kept contemporaneously with the time that
6 Mr. Dossou worked at FDD Enterprises?

7 A. Yes.

8 Q. For example if you turn to page
9 six, please, and that reflects the week of
10 November 17, 2012 to November 28, 2012; is
11 that correct?

12 A. Yes.

13 Q. So is it your testimony that
14 this document was created sometime around
15 or near November 28, 2012?

16 A. Yes, definitely.

17 Q. Is it possible this document
18 was created in the year 2013?

19 A. No.

20 Q. Is it possible this document
21 was created in the year 2014?

22 A. No.

23 Q. Please turn to the last page.
24 And just to be clear for the record it's
25 page 21. Can you please tell me what year

1 A. DAR

2 this document was created in?

3 A. From March 2 to March 8,

4 whatever is written here in 2013.

5 Q. So this document was created in

6 2013; is that correct?

7 A. Yes.

8 Q. More specifically this document

9 was created in March of 2013; is that

10 correct?

11 A. Yes.

12 Q. Is there any way this document

13 was created in the year 2014?

14 A. No.

15 Q. Are there any errors or

16 omissions on any of Mr. Dossou's time

17 sheets which are currently in front of you

18 marked as Exhibit B?

19 A. No, this is originally from the

20 first day.

21 Q. And it's your testimony that

22 these are 100 percent accurate to the best

23 of your knowledge?

24 A. Yes, whatever is there is

25 right, is correct.

1 A. DAR

2 Q. Specifically on page 21 when
3 you fill this timesheet out, let's start
4 with Monday. When you fill the sheet out,
5 see where it says "Monday 9:00 to 5:00
6 P.M."?

7 A. Yes.

8 Q. When you filled out the
9 timesheet for the hours that Mr. Dossou
10 worked, did you fill out the entire sheet
11 at one time or would you add information to
12 it piece by piece?

13 MR. CHAPNICK: Again, Mr. Carr,
14 I think we would have better success
15 if you just ask the one question
16 instead of giving this or that.

17 Q. When you filled out this
18 timesheet, did you fill it out all at one
19 time?

20 A. At the end of the week I fill
21 it. As many hours he works I fill it out
22 at the end of the week.

23 Q. But you filled it out in one
24 sitting, correct?

25 A. Yes.

1 A. DAR

2 Q. Once it was filled out, did you
3 ever edit or add anything to the timesheet?

4 A. As many hours he works, I put
5 it here.

6 Q. Going back to when you
7 testified earlier about the hours that you
8 worked when you were working at the parking
9 garage, was there ever another employee
10 working with you?

11 A. No, I was the only one.

12 Q. So when you work at the parking
13 garage you would work by yourself; is that
14 correct?

15 A. Yes.

16 Q. And you testified before you
17 would work an average of about 40 hours a
18 week; is that correct?

19 A. Yes.

20 Q. You testified earlier that your
21 other four employees would work about 40
22 hours a week; is that correct?

23 A. Yes.

24 Q. And you also testified earlier
25 that there was never a time when two

1 A. DAR

2 employees would be attending the parking
3 garage at the same time that was more than
4 15 minutes; is that correct?

5 A. Yes.

6 Q. You also testified earlier that
7 1872 East Tremont Avenue is the only
8 parking garage that FDD operates; is that
9 correct?

10 A. Yes.

11 Q. Out of the four employees that
12 you testified currently work for you, do
13 they get vacation time?

14 A. In case if they need any
15 vacation I give it to them.

16 Q. As of right now today, is there
17 anybody who is currently out on vacation?

18 A. No.

19 Q. So all four of the employees
20 are currently not on vacation, correct?

21 A. No.

22 Q. How many hours did you work at
23 the garage last week?

24 A. Same eight hours a day I work
25 but in case of any emergency I can work

1 A. DAR

2 more.

3 0. Was there any emergency last

4 week?

5 A. No.

6 Q. So did your other four
7 employees work 40 hours each last week?

8 A. Yes.

9 Q. None of their shifts

10 overlapped?

11 A. No.

12 Q. Sir, do you know how many hours
13 there are in a week?

14 A 40

15 Q No, how many hours are in a

16 week, not how many hours does someone work
17 in a week, how many hours are there
18 actually in a week?

19 MR. CHAPNICK: Can we stipulate
20 that it's 168?

21 A. I have to do the math.

22 Q. Mr. Chapnick just stipulated
23 there's 168 hours in a week.

24 A. I don't know.

25 O. I'm going to tell you 7 times

1 A. DAR

2 24 is 168 and your attorney has agreed with
3 my math, okay?

4 A. Yes.

5 Q. Can we also stipulate that 40
6 times 4 is 160?

7 MR. CHAPNICK: We'll stipulate.

8 A. I don't understand.

9 Q. Your attorney has agreed with
10 me that 40 times 4 is 160.

11 A. That's true.

12 Q. If I do 168 minus the 160 hours
13 that your employees worked last week, that
14 only leaves eight hours left in the week,
15 okay?

16 A. Yes.

17 Q. But according to your testimony
18 there were approximately 200 hours worked
19 last week, okay?

20 A. You mean according to my
21 knowledge? What do you mean?

22 Q. You told me that last week all
23 of your employees worked 40 hours a week,
24 that comes out to 160 hours. You also told
25 me you worked 40 hours last week

1 A. DAR
2 approximately and that's approximately 200
3 hours. You also testified that there was
4 only very few instances maybe 15 minutes or
5 more when time would overlap where two
6 people would be there at the same time.
7 What I'm asking you is to explain to me,
8 I'm giving you an opportunity to explain
9 how it was possible for 200 hours to be
0 worked approximately last week with no one
1 overlapping shifts when there's only 168
2 hours in a week?

13 MR. CHAPNICK: Is there a
14 question there?

15 MR. CARR: Want me to make it
16 clearer?

17 Q. You testified that last week
18 200 hours were worked by you and your
19 staff. There's only 168 hours in a week.

20 A. Only my hours, they vary,
21 everybody else works eight hours a day. In
22 case if I'm needed my hours will be less or
23 more.

24 Q. So how many hours did you work
25 last week?

1 A. DAR

2 A. My work depends on the need.

3 Only if I'm needed I work. According to
4 that, sometimes four hours, sometimes five
5 hour.

6 Q. That wasn't my question. How
7 many hours did you work last week?

8 A. Approximately maybe 15 to 20
9 hours. I think I worked for 20 hour.

10 Q. So when you testified earlier
11 that you worked approximately 40 hours,
12 that was not correct?

13 A. I didn't say I worked for 40
14 hours last week but it depends on how much
15 I am needed there, sometimes I work for 20
16 hours.

17 Q. The record will speak for
18 itself, sir.

19 MR. CHAPNICK: Is that a
20 question?

21 MR. CARR: No, I'm just letting
22 him know.

23 Q. Who is Peak Time Parking?

24 A. I didn't understand.

25 Q. Are you familiar with a company

1 A. DAR

2 named Peak Time Parking?

3 A. No.

4 Q. You never heard of Peak Time
5 Parking before?

6 A. No.

7 Q. Do you currently hold a license
8 to operate a parking garage at 1872 East
9 Tremont Avenue, and when I say you I mean
10 you or FDD Enterprises?

11 A. Yes, I have.

12 MR. CARR: I'm going to call
13 for production of his license to
14 operate a parking garage, and when I
15 say he I mean FDD or Mr. Dar's
16 license.

17 Q. Who holds the license to
18 operate the parking garage, what entity or
19 person?

20 A. I do have the copy and in the
21 parking garage they are posted there.

22 Q. That wasn't my question. Who
23 holds the license; do you hold the license,
24 Ali Dar? Does Ali Dar have a license to
25 operate a parking garage?

1 A. DAR

2 A. Yes, I have.

3 Q. So the license that you hold,
4 there's the name Ali Dar on it; is that
5 correct?

6 A. It's not Ali Dar's name.

7 O. Whose name is the license in?

8 A. The parking lot where I'm using
9 the same license.

10 Q. Maybe you don't understand so
11 I'm going to try to backtrack again. Do
12 you need a license, and when I say license
13 not a driver's license, do you need a
14 license from either the city or state to
15 operate a parking garage?

16 A. Yes.

17 Q. Whose name is the license in?

18 A. That's for the Reyer Parking
19 that I'm continuously using that one.

20 Q. It's your testimony that you're
21 operating the parking garage located at
22 1872 East Tremont Avenue, Bronx, New York
23 under Reyer Parking's license?

24 A. Yes, but he give it to me but
25 he has nothing to do with that.

1 A. DAR

2 Q. Who is he?

3 A. Reyer.

4 Q. Reyer has nothing to do with
5 what?

6 A. Yes, nothing to do with my
7 business.

8 Q. But you're using their license
9 to operate your parking garage, correct?

10 A. Yes, I'm using the same one.

11 Q. Do you have written permission
12 to use Reyer Parking's parking garage
13 license?

14 A. Yes, it is with his consent.
15 He's aware of it.

16 Q. That was not my question.

17 MR. CARR: Can you read my last
18 question back, please.

19 (Whereupon, the referred to
20 question was read back by the
21 Reporter.)

22 A. Yes, it's with their
23 permission.

24 Q. Sir, you're not answering my
25 question.

1 A. DAR

2 MR. CARR: Can you read my
3 question back again, please.

4 MR. CHAPNICK: Is what you're
5 trying to ask whether or not the
6 permission is in writing?

7 MR. CARR: Yes, the question is
8 pretty clear.

9 MR. CHAPNICK: Maybe he's not
10 understanding it though.

11 MR. CARR: Let's try it again.
12 Read it back, please.

13 (Whereupon, the referred to
14 question was read back by the
15 Reporter.)

16 A. Yes.

17 Q. Is that written permission
18 contained in your lease from Reyer Parking
19 or is it a separate document?

20 A. It's a separate document for
21 the permission.

22 MR. CARR: I'm going to call
23 for the written permission from Reyer
24 Parking to FDD Enterprises or Ali Dar
25 to use Reyer Parking's parking garage

1 A. DAR
2 license and same to you as well,
3 Counsel. And on the record I
4 previously asked Counsel for Reyer
5 Parking to produce the lease between
6 Reyer Parking and FDD Enterprises
7 and/or Ali Dar.

8 Q. Sir, when you received the
9 written permission from Reyer Parking to
10 use their parking garage license, did you
11 have to sign the document?

12 A. Yes, I signed a paper when they
13 gave me the permission.

14 Q. Did Mr. Lieblich also sign that
15 document?

16 A. Yes.

17 Q. Was this document signed at the
18 same time and place that the lease was
19 signed between Reyer Parking and yourself?

20 A. Yes, at the same time.

21 Q. That was at Mr. Lieblich's
22 office, correct?

23 A. Yes.

Q. And you also testified during that time your brother Zaffar was present,

1 A. DAR

2 correct?

3 A. Yes.

4 Q. Are you familiar with a company
5 known as 1872 East Tremont Corp.?

6 A. No.

7 Q. You've never heard of that
8 company before?

9 A. No.

10 Q. Are you aware that 1872 East
11 Tremont Corp. owns the building 1872 East
12 Tremont Avenue, Bronx, New York?

13 A. No, I'm not aware of it.

14 Q. Who do you understand to be the
15 owner of 1872 East Tremont Avenue, Bronx,
16 New York?

17 A. To my knowledge it was Gerald.

18 Q. Gerald Lieblich?

19 A. Yes.

20 Q. Is it your understanding that
21 he owns that building in his personal
22 capacity or through a corporate entity?

23 A. I don't know anything about
24 that.

25 Q. When your employees hand out

1 A. DAR

2 claim checks to people or customers that
3 park at your garage, whose name is on the
4 claim check; what company name is on the
5 claim check?

6 A. The Reyer name is there because
7 we use their stamp.

8 Q. Why doesn't the claim check say
9 FDD Enterprises Incorporated?

10 A. On the claim check?

11 Q. Yes. You just testified that
12 the claim check says Reyer Parking on it.
13 My question is why does the claim check not
14 say FDD Enterprises on the claim check?

15 A. Because the license is on Reyer
16 name and legally we are to put their name
17 on the claim check.

18 Q. Sir, do you know who Ronald
19 Aletto is?

20 A. No.

21 Q. Does FDD Enterprises file taxes
22 every year?

23 A. Yes.

24 Q. Did you file them in 2010?

25 A. Yes.

1 A. DAR

2 Q. 2011?

3 A. Yes.

4 Q. Did you file them in 2012?

5 A. Yes.

Q. And did you file them in 2013?

7 A. Yes, every year.

8 Q. Have you filed quarterly taxes
9 for FDD Enterprises in the year 2014?

10 A. Yes.

11 MR. CARR: I'm going to call
12 for the production of the tax return
13 for FDD Enterprises Incorporated from
14 2010 to present as well as any
15 quarterly payments made as well.

16 Q. Sir, you brought documents with
17 you today?

18 A. Yes.

19 Q. Did you bring them in
20 connection with this deposition?

21 A. Yes.

Q. Can I see them?

23 MR. CHAPNICK: The documents
24 that he brought are just the
25 originals of the timesheet which w

1 A. DAR

2 already disclosed.

3 MR. CARR: So there's no new

4 information in there that wasn't

5 already produced to us?

6 MR. CHAPNICK: That's correct.

7 MR. CARR: Okay, I'm also going

8 to call for the production of the pay

9 records for every employee of FDD

10 Enterprises from 2010 until present.

11 Q. When you pay your employees, do

12 you provide them with a pay receipt?

13 A. No, I don't.

14 Q. Do you keep a log of the

15 schedule for the parking garage? By

16 schedule I mean the work schedule for the

17 parking garage.

18 A. I didn't understand.

19 Q. I'll rephrase it. Do you keep

20 a work schedule for the parking garage so

21 you know who was working at what time and

22 who was working on what day?

23 A. Yes.

24 MR. CARR: I'm going to call

25 for production of the work schedule

1 A. DAR

2 that Mr. Dar just testified to from
3 2010 until present.

4 Q. Mr. Dar, my client has claimed
5 that he worked 84 hours a week when he
6 worked for FDD Enterprises. My question
7 is: Is that possible?

8 A. No.

9 Q. Did Mr. Dossou ever work
10 overtime for FDD Enterprises?

11 A. No.

12 Q. Sir, please wait for the
13 translator to finish translating.

14 A. Sorry.

15 Q. Sir, my client also has claimed
16 to have began for FDD Enterprises in
17 January 2011; is that possible?

18 A. No, he didn't work.

19 Q. He also claims his last day for
20 work with FDD Enterprises was March 6,
21 2013. To the best of your recollection, is
22 that possible?

23 A. Yes, his job was left on March
24 2013.

25 Q. Sir, at the end of the year, do

1 A. DAR
2 you provide your employees with an IRS form
3 W-2?

4 A. Yes.

5 Q. Did you provide an IRS form W-2
6 to Mr. Dossou?

7 A. No, because he didn't provide
8 me the documents.

9 Q. Is there any other employee
10 that's ever worked for FDD Enterprises that
11 you did not provide a W-2 to?

12 A. He didn't provide his papers
13 but everybody else has provided me with
14 papers so I give it to everybody else.

15 Q. And were those IRS W-2 forms
16 filed each year with the IRS?

17 A. Yes, I do.

18 Q. Do you currently have
19 unemployment insurance for your employees
20 for FDD Enterprises?

21 A. Yes.

22 Q. Do you have Workers'
23 Compensation Insurance for all of your
24 employees?

25 A. Yes.

1 A. DAR

2 MR. CARR: I'll call for
3 production of the W-2 forms for all
4 of his employees as well as the
5 unemployment insurance and the
6 Workers' Compensation insurance.

7 Q. Do you have liability insurance
8 for FDD Enterprises?

9 A. Yes.

10 Q. Do you know; is anyone named as
11 an additional insured on that policy?

12 A. No.

16 MR. CHAPNICK: Just so we're
17 clear you called for production of
18 W-2 forms for all of the employees
19 and for Workers' Compensation. What
20 year are you referring to?

21 MR. CARR: I'm sorry, from 2010
22 until present.

23 MR. CHAPNICK: And you also
24 want liability insurance documents?

25 MR. CARR: From 2010 until

1 A. DAR

2 present.

3 Q. Sir, does FDD Enterprises have
4 any written agreement or contract with any
5 person or corporation aside from Reyer
6 Parking Corp.?

7 A. No.

8 Q. When is the last time your
9 brother Zaffar was physically present at
10 1872 East Tremont Avenue, Bronx, New York?

11 A. Maybe last week when he was
12 going through that area, maybe he came.

13 Q. Why was he there?

A. Just for no reason.

15 Q. Were you there when he was
16 there?

17 A. Yes, he came to see me.

18 Q. Has your brother Zaffar ever
19 worked a shift at FDD Enterprises ever?

20 A. No.

21 Q. Has he ever given an order to
22 any of FDD Enterprises's employees?

23 A. No.

24 Q. Mr. Dar, have you had any other
25 employees that have worked for FDD

1 A. DAR

2 Enterprises aside from the four gentlemen
3 that you named before and Mr. Dossou?

4 A. You mean nowadays?

5 Q. No, I mean from the time FDD
6 Enterprises Incorporated was created until
7 present, has anyone else worked for FDD
8 Enterprises aside from Mr. Dossou --

9 A. Yes, there were other few
10 people came.

11 Q. I didn't get to finish the
12 question for the record. Has anyone else
13 worked for FDD Enterprises aside from Mr.
14 Dossou, yourself and the four gentleman who
15 you named previously since 2010 until
16 present?

17 A. Nobody else. Before Dossou
18 there were some men who were working. I
19 didn't understand the question.

20 Q. From memory, can you please
21 tell me the name of every single person who
22 has worked for FDD Enterprises?

23 A. Only I know Dossou and the four
24 gentlemen whose names I gave you.

25 Q. No one else has worked for FDD

1 A. DAR

2 Enterprises besides those people?

3 A. No.

4 Q. To be clear, that's from 2010
5 until present?

6 A. No.

7 Q. Do you ever have your employees
8 work at a different parking garage aside
9 from 1872 East Tremont Avenue?

10 MR. CHAPNICK: Can we just back
11 up for a second?

12 MR. CARR: Sure.

13 MR. CHAPNICK: I think it's
14 pretty clear he didn't understand
15 that question.

16 MR. CARR: Let's read it back.

17 Let's start from about five questions
18 ago.

19 (Whereupon, the referred to
20 testimony was read back by the
21 Reporter.)

22 MR. CHAPNICK: It's clear from
23 his answer that he said there were
24 other men and he also said he didn't
25 understand the question.

1 A. DAR

2 MR. CARR: So we'll go again.

3 Q. Sir, from 2010 until present,
4 can you list from memory every person that
5 has ever worked for FDD Enterprises?

6 A. Those people who came before
7 2010?

8 Q. What year was FDD Enterprises
9 incorporated?

10 A. 2010.

11 Q. Did you own or operate a
12 parking garage before 2010?

13 A. No.

14 Q. So how would you have employees
15 before 2010? I don't understand.

16 A. I never said that.

17 Q. My question is very specific:
18 From 2010 until now I want the name of
19 every single employee that has worked for
20 FDD Enterprises.

21 A. I have given you already the
22 names.

23 Q. So is it correct that Naveed,
24 Giffer, John, Michael, Mr. Dossou and
25 yourself were the only employees that FDD

1 A. DAR

2 Enterprises has ever had?

3 A. Nobody else.

4 MR. CARR: If you want to
5 clarify that with him, or are you
6 satisfied with the answer? I just
7 want the right answer, I'm not trying
8 to catch him.

9 MR. CHAPNICK: Other than them
10 are you saying no one else has ever
11 worked for FDD?

12 THE WITNESS: Yes, some men,
13 they were working for me, they were
14 coming and leaving but I don't
15 remember their name.

16 Q. Do you have any documents
17 reflecting their names?

18 A. Yes, maybe it's in my record.

19 MR. CARR: I'm going to call
20 for production of those documents.

21 Q. Approximately how many other
22 men worked for FDD?

23 A. I don't remember exactly but
24 maybe three to four approximately.

25 Q. Who does FDD Enterprises'

1 A. DAR

2 taxes?

3 A. I have an accountant.

4 Q. What's your accountant's name
5 for FDD Enterprises?

6 A. Yaukubi (phonetic).

7 Q. Can you spell that?

8 A. Y-O-U-K. I don't know.

9 MR. CARR: I'm going to ask for
10 the address and phone number of his
11 accountant.

12 Q. Mr. Lieblich had testified that
13 the tenant of 1872 East Tremont Avenue,
14 Bronx, New York is Peak Time Parking. Do
15 you know why he would say that?

16 A. I don't know.

17 Q. He also testified that your
18 brother Zaffar owns and operates Peak Time
19 Parking. Do you know why he would say
20 that?

21 A. I don't know.

22 MR. CARR: Counsel, you can go
23 ahead.

24 EXAMINATION BY

25 MR. SCHRAGER:

1 A. DAR

2 Q. Is Reyer Parking Corp. involved
3 in the hiring of any of the garage
4 employees at the garage located at 1872
5 East Tremont Avenue?

6 A. No.

7 Q. Is Mr. Lieblich involved in the
8 hiring of any of those garage employees?

9 A. No.

10 Q. Is Reyer Parking Corp.
11 involved in the firing of any of the garage
12 employees?

13 A. NO.

14 Q. Is Mr. Lieblich involved in the
15 firing of any of those employees?

16 A. No.

17 Q. Does Reyer Parking Corp. make
18 any decisions as to lunch breaks or
19 overtime or other employment policies?

20 A. No.

21 Q. You testified earlier that
22 Reyer Parking Corp. has nothing to do with
23 your business; is that correct?

24 A. Yes.

25 Q. Does anyone other than yourself

1 A. DAR
2 set the hiring and firing and other
3 employment policies?

4 A. Yes.

5 Q. You testified earlier that you
6 hired Mr. Dossou; is that correct?

7 A. Yes.

8 Q. Who was Mr. Dossou's employer
9 when he worked at the garage?

10 A. I did.

11 Q. Was it you or was it FDD
12 Enterprises Inc.?

13 A. It's my company so I gave it to
14 him.

15 Q. If I can refer you to Exhibit
16 A, can you just read what it says next to
17 the word "employer"?

18 A. "FDD Enterprises Inc."

19 Q. Can you read what it says next
20 to employee name?

21 A. Gallie Dossou.

22 Q. Referring you to the first page
23 of Plaintiff's Exhibit B which is Bates
24 stamped handwritten page number two, can
25 you read what it says next to "employer"?

1 A. DAR

2 A. "FDD Enterprises Inc."

3 Q. Can you please read what it
4 says next to "employee name"?

5 A. Gallie Dossou.

6 Q. Can you please briefly look at
7 the rest of the pages and tell me if it
8 says the same thing on each of the other
9 pages?

10 A. Yes.

11 Q. Yes, it's the same on every
12 page?

13 A. Yes, same name.

14 Q. During the period of 2010 to
15 the present, are all of the garage
16 attendants and anyone else that worked in
17 the garage, are those your employees or
18 employees of FDD Enterprises Inc.?

19 A. Yes.

20 Q. During that period, was there
21 anyone working there that was not your
22 employee?

23 A. No.

24 MR. SCHRAGER: I have nothing
25 further. Thank you.

1 A. DAR

2 MR. CARR: Does FDD Enterprises
3 have any agreement, written or oral,
4 with Peak Time Parking?

5 THE WITNESS: No.

6 MR. CARR: Does your brother
7 own Peak Time Parking?

8 THE WITNESS: I don't know.

9 MR. CARR: Thank you.

10 (Whereupon, at 12:27 P.M., the
11 examination of this witness was
12 concluded.)

13

14

15 _____ ALI DAR

16

17 Subscribed and sworn to before me
18 this _____ day of _____ 20____.

19

20 _____ NOTARY PUBLIC

21

22

23

24

25

1 A. DAR

2 E X H I B I T S

3

4 PLAINTIFF'S EXHIBITS:

5

	EXHIBIT	EXHIBIT	PAGE
7	LETTER	DESCRIPTION	
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9	B	Document packet	54

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11 I N D E X

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1 A. DAR

2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)
5 COUNTY OF KINGS) : SS.:
6)

7

8 I, PAULA G. BEKKER, a Notary Public
9 hereby certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or by marriage and that I
17 am in no way interested in the outcome of
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 17th day of July 2014.

21

22



23

PAULA G. BEKKER

24

25

A. DAR

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